



IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE

Applicant: Lezdey
Filed: 03/15/2004
Serial No.: 10/801,419
For: METHOD OF TREATMENT

Examiner: Betton
Art Unit: 1614

Mail Stop – Amendment – No Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

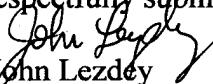
Dear Sir:

Please find enclosed for filing:

- Response Check in the Amount of \$
 Petition Extension of Time
 Post Card Issue Fee Transmittal

Date: April 9, 2008
Docket No.: 1434-19

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
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COMMISSIONER OF PATENTS AND TRADEMARKS
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On April 9, 2008 Date of Deposit
PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE
John Lezdey
SIGNATURE OF PERSON SIGNING CERTIFICATE DATE
John Lezdey 4/9/2008

Respectfully submitted,

John Lezdey
Registration No. 22,735

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Response – Final Rejection

Responsive to the Official Action dated 03/13/2008.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 103(a) as being unpatentable over Lezdey et al, Henley et al and Perricone in view of Weiner and Gray.

The first issue is why Perricone is considered as being pertinent and would contribute to Lezdey et al. Perricone relates to treating skin with polyphenol obtained from olive oil. Polyphenol is not related in any form to cromolyn. Cromolyn has been used for 30 years for treating asthma in children. Does the Examiner believe that polyphenol would also treat asthma? Polyphenol is not a par-2 antagonist. It does not relate chemically or in mode of action in treating inflammation or diaper rash. Olive oil with polyphenols has been used to treat skin and inflammation since Roman times for gladiators. There was never a connection to cromolyn. To combine Perricone to Lezdey et al is to combine apples and oranges. This is correct since green apples contain